IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.10406 of 2008
MD. NAIMUDDIN ANSARI @ MD. NAYEEM ANSARI
Versus
STATE OF BIHAR
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02 06.05.2008 The petitioner apprehends his arrest in Bihar P.S. Case No. 0156/2006 under Section 420, 467, 468, 471 and 34 of the I.P.C.

Heard.

As per written report of the Dy.S.P, the FIR was lodged against the Officer-in-Charge, Bihar, alleging that for the year 2003-04, no repair work was done in Biharsharif P.S despite the petitioner being a Junior Engineer and co-accused Md. Naimuddin Ansari @ Md. Nayeem Ansari being the contractor, having obtained payment with regard to the repairs of those buildings.

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Learned counsel for the petitioners submits that the petitioners had duly worked under official capacity and the bills and work had been checked and passed by Executive Engineer and then the payment was made to the contractor.

Annexure-2, a certificate dated 10.12.2004 as granted by the Inspector-cum-Officer-in-Charge of Bihar P.S., shows that work of repairs and fixing of tiles has been done in the walls satisfactorily. It is argued by the learned counsel that in connection with the repair works, the Officer-in-Charge relating to Bihar P.S at the relevant time had also granted a certificate for carrying out of the repair works.

Learned counsel for the petitioner also submits that the FIR has been lodged after three years.

The learned APP does not point out any other material

against the petitioner.

Considering the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks Md. Naimuddin Ansari @ Md. Nayeem Ansari is admitted to anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Bihar P.S. Case No. 0156 of 2006 subject to condition as laid down under Section 438(2) of the Cr.P.C.

**Kundan** **(C.M. Prasad, J.)**

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